

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 23-4705

UNITED STATES OF AMERICA

v.

CARLOS ALSTON

**Unopposed Motion of the
United States for 30-Day
Extension of Briefing Deadline**

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves the Court pursuant to Federal Rule of Appellate Procedure 26(b) for a 30-day extension of time in which to respond to the appellant's brief and, in support thereof, shows unto the Court the following:

1. The undersigned Assistant United States Attorney (AUSA) has the responsibility of preparing the government's opening brief, which is due to the Court on January 8, 2024. The undersigned has not previously requested an enlargement of time in this matter.

2. The undersigned AUSA has been working on various criminal matters before the District Court in the Eastern District of North Carolina, including *United States v. Plummer*, No. 5:22-CR-251-M-KS, a case set for trial by

jury on January 3, 2024, which resulted in a change of plea hearing held on December 20, 2023, in Wilmington, North Carolina.

3. The undersigned AUSA is also responsible for other matters in the United States District Court, including an arraignment in *United States v. Caison*, No. 7:23-CR-122-FL, set for January 16, 2024; a revocation hearing in *United States v. Epps*, No. 5:19-CR-195-FL, set for January 23, 2024; and a sentencing hearing in *United States v. Phillips*, No. 5:23-CR-37-FL, set for February 6, 2024, all in New Bern, North Carolina; and sentencing hearings in *United States v. Oglesby*, No. 5:22-CR-251-M, set for January 23, 2024; and *United States v. Durham*, No. 5:22-CR-150-M, set for February 13, 2024, both in Wilmington, North Carolina.

4. This request is not made for the purpose of delay, but to ensure a complete and accurate response to the appellant's brief.

5. Counsel for the defendant does not oppose this extension request.

WHEREFORE, the government respectfully requests a 30-day extension of time to file its response brief, resulting in a deadline of February 7, 2024.

Respectfully submitted this 2nd day of January, 2024.

MICHEAL F. EASLEY, JR.
United States Attorney

/s/ Sarah E. Nokes
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CERTIFICATE OF COMPLIANCE

1. Pursuant to Rule 32(g) of the Federal Rules of Appellate Procedure, I hereby certify that this document meets the type-volume limits of Rules 27(d), 35(b)(2), and/or 40(b) because, exclusive of the portions of the document exempted by Rule 32(f), this document contains 309 words.

(Filings are not to exceed 5,200 words for a motion or response and 2,600 words for a reply, pursuant to Rule 27(d), or 3,900 words for a petition for panel rehearing or rehearing en banc, pursuant to Rules 35(b)(2) and/or 40(b)).

2. Further, this document complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in Microsoft Word 2016 using fourteen-point *Calisto MT*, a proportional-width typeface.

/s/ Sarah E. Nokes
SARAH E. NOKES
Assistant United States Attorney